

# PATENT COOPERATION TREATY

## PCT

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### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/BR 2002/000152</b>	International filing date ( <i>day/month/year</i> ) <b>13 November 2002 (13.11.2002)</b>	Priority Date ( <i>day/month/year</i> ) <b>6 September 2002 (06.09.2002)</b>
International Patent Classification (IPC) or national classification and IPC  <b>IPC<sup>7</sup>: C22C 27/02; C09D 5/10</b>		
Applicant <b>COPPE/UFRJ - Coordenacao dos Programas de Pós Graduacao de Engenharia da Universidade</b>		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examination Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>  4  </u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>          </u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I. <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II. <input type="checkbox"/> Priority</li> <li>III. <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV. <input type="checkbox"/> Lack of unity of invention</li> <li>V. <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI. <input type="checkbox"/> Certain documents cited</li> <li>VII. <input type="checkbox"/> Certain defects in the international application</li> <li>VIII. <input checked="" type="checkbox"/> Certain observations on the international application</li> </ul>
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Date of submission of the demand  <b>11.03.2004</b>	Date of completion of this report  <b>15 October 2004 (15.10.2004)</b>
Name and mailing address of the IPEA/AT <b>Austrian Patent Office Dresdner Straße 87 A-1200 Vienna Facsimile No. 1/53424/200</b>	Authorized officer  <b>KOLLER G.</b>  Telephone No. 1/53424/458

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/BR 2002/000152

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

☒ the international application as originally filed

☐ the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☐ the claims:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement) under Article 19

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☐ the drawings:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☐ the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_.

☐ the claims, Nos. \_\_\_\_\_.

☐ the drawings, sheets/fig \_\_\_\_\_.

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as „originally filed“ and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement	Novelty (N)	Claims 1-4	YES
		Claims ----	NO
	Inventive step (IS)	Claims 1-4	YES
		Claims ----	NO
	Industrial applicability (IA)	Claims 1-4	YES
		Claims ----	NO

### Citations and explanations (Rule 70.7)

The following documents have been cited in the Search Report:

D1: BORISOV, Yu. S. et al. Structural transformation in gas-thermal coatings of nickel60-niobium40 at. % alloy during vacuum annealing;

D2: BORISOV, Y. Electric and magnetic properties of thermal spray coatings with an amorphous structure..

As is indicated in the search report terms like "among others" should be avoided, because they render the scope of the claim unclear (Article 6 PCT). Therefore, the International Examining Authority confirms the position of the International Search Authority as regards the restriction of the search and the present preliminary examination report is based on the subject-matter which has been searched.

The abstract of the Borisov-paper D1 reports thermal-spray-coatings with an Nb-alloy of 60 % Nb and 40 % Ni on copper containing inclusions of NbO<sub>2</sub> and NiO.

The Borisov-paper D2 investigates the magnetic properties of a Ni-Nb-coating containing 47 % Nb (see table 1) which is applied by thermal spraying.

None of the documents D1 and D2 cited in the search report discloses details of the physical properties specified in the present application. Consequently, the subject matter of the present application is considered to meet the requirements of novelty and inventiveness according to Article 33(2) and (3) PCT.

Industrial applicability is given.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
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## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

A granulometry of -180 to 45  $\mu\text{m}$  is not possible, because a particle must have an extent greater than zero.